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OCTOBER TERM, 1996

January 6, 1997

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No. 96-498. *HEIN ET UX. v. MCNEIL ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 88 F. 3d 210.

No. 96-598. *NORRIS v. GIMMEL, WEIMAN, SAVITZ & KRONTHAL, P. A., ET AL.* Ct. Sp. App. Md. Certiorari denied. Reported below: 107 Md. App. 747.

No. 96-618. *CHAVEZ v. CITY OF ARVADA.* C. A. 10th Cir. Certiorari denied. Reported below: 88 F. 3d 861.

No. 96-619. *CENTRA, INC., ET AL. v. GARAVAGLIA.* Ct. App. Mich. Certiorari denied. Reported below: 211 Mich. App. 625, 536 N. W. 2d 805.

No. 96-625. *DOAN v. SEAGATE TECHNOLOGY, INC.; and FURR ET AL. v. SEAGATE TECHNOLOGY, INC.* C. A. 10th Cir. Certiorari denied. Reported below: 82 F. 3d 974 (first judgment) and 980 (second judgment).

No. 96-631. *JOHNSON v. JUSTICES OF THE SUPREME COURT OF CALIFORNIA ET AL.* C. A. 9th Cir. Certiorari denied.

No. 96-632. *NORTH AVENUE NOVELTIES, INC. v. CITY OF CHICAGO.* C. A. 7th Cir. Certiorari denied. Reported below: 88 F. 3d 441.

No. 96-640. *DAVIS v. HANOVER INSURANCE Co.* App. Ct. Mass. Certiorari denied. Reported below: 40 Mass. App. 1127, 665 N. E. 2d 1040.

No. 96-644. *FISCHBACH & MOORE, INC. v. PACIFIC GAS & ELECTRIC Co.* C. A. 9th Cir. Certiorari denied. Reported below: 79 F. 3d 1154.

No. 96-647. *DEPARTMENT OF REVENUE OF FLORIDA ET AL. v. SHARE INTERNATIONAL, INC.* Sup. Ct. Fla. Certiorari denied. Reported below: 676 So. 2d 1362.

No. 96-648. *EHREDT UNDERGROUND, INC. v. COMMONWEALTH EDISON Co. ET AL.* C. A. 7th Cir. Certiorari denied. Reported below: 90 F. 3d 238.

No. 96-655. *HANNAFORD BROS. Co. v. CIAMPI.* Sup. Jud. Ct. Me. Certiorari denied. Reported below: 681 A. 2d 4.

No. 96-656. *NATIONAL ASSOCIATION OF HOME BUILDERS OF THE UNITED STATES ET AL. v. CHESTERFIELD COUNTY.* C. A. 4th Cir. Certiorari denied. Reported below: 92 F. 3d 1180.

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By itself, this confusion on an important and recurring question of federal law provides sufficient reason to grant certiorari in this case.

I respectfully dissent.

No. 94-179. *CENTRA, INC., ET AL. v. NATIONAL LABOR RELATIONS BOARD*. C. A. 6th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 954 F. 2d 366.

No. 94-5855. *JOLLY v. GAMMON, SUPERINTENDENT, MOBERLY CORRECTIONAL CENTER*. C. A. 8th Cir. Motion of petitioner to defer consideration of petition for writ of certiorari denied. Certiorari denied. Reported below: 28 F. 3d 51.

No. 94-535. *ZISK ET AL. v. PLACER COUNTY SUPERIOR COURT (WALKER, REAL PARTY IN INTEREST)*. Ct. App. Cal., 3d App. Dist. Motion of petitioners to supplement petition for writ of certiorari denied. Certiorari denied.

No. 94-5977. *AZUBUKO v. COMMISSIONER OF PARKING, CITY OF BOSTON, ET AL.* C. A. 1st Cir. Certiorari denied. JUSTICE BREYER took no part in the consideration or decision of this petition.

Assignment Order

An order of THE CHIEF JUSTICE designating Justice White (retired) to perform judicial duties in the United States Court of Appeals for the Fifth Circuit during the period October 31 through November 3, 1994, and for such time as may be required to complete unfinished business, pursuant to 28 U.S.C. § 294(a), is ordered entered on the minutes of this Court, pursuant to 28 U.S.C. § 295.

NOVEMBER 7, 1994

Certiorari Granted—Vacated and Remanded

No. 93-1004. *UNITED STATES v. FOSTER*. C. A. 9th Cir. Motion of respondent for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *United States v. Shabani*, ante, p. 10. Reported below: 978 F. 2d 716.

No. 93-1353. *UNITED STATES v. SIMPSON ET AL.* C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded

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certiorari denied. Certiorari denied. Reported below: 81 F. 3d 147.

No. 95-9414. *VAN POYCK v. UNITED STATES*. C. A. 9th Cir. Motion of petitioner for leave to amend petition for writ of certiorari denied. Certiorari denied. Reported below: 77 F. 3d 285 and 491.

No. 96-109. *HICKMAN v. COUNTY OF LOS ANGELES ET AL.* C. A. 9th Cir. Motion of Lawyer's Second Amendment Society et al. for leave to file a brief as *amici curiae* granted. Certiorari denied. Reported below: 81 F. 3d 98.

No. 96-111. *CENTRAL CARTAGE CO. v. CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREA PENSION FUND ET AL.* C. A. 7th Cir. Motion of National Association for Dispute Resolution, Inc., for leave to file a brief as *amicus curiae* granted. Certiorari denied. Reported below: 84 F. 3d 988.

Rehearing Denied

No. 95-1534. *CONSTELLATION DEVELOPMENT CORP. v. DOWDEN, SUCCESSOR TRUSTEE, ET AL.*, 518 U. S. 1017;

No. 95-1806. *SHOFFEITT v. UNITED STATES*, 517 U. S. 1246;

No. 95-8553. *MESSLER ET AL. v. FARMER, JUDGE, DISTRICT COURT OF APPEAL OF FLORIDA, FOURTH DISTRICT, ET AL.*, 517 U. S. 1247;

No. 95-8705. *LEKHOVITSER v. LEKHOVITSER*, 518 U. S. 1022;

No. 95-8807. *ABIDEKUN v. COOMBE, ACTING COMMISSIONER, NEW YORK DEPARTMENT OF CORRECTIONAL SERVICES*, 518 U. S. 1025;

No. 95-8947. *STEDMAN v. UNITED STATES*, 517 U. S. 1250; and

No. 95-9090. *MACKENZIE v. INTERNAL REVENUE SERVICE ET AL.*, 518 U. S. 1027. Petitions for rehearing denied.

No. 95-8803. *ST. LOUIS v. TEXAS WORKERS' COMPENSATION COMMISSION ET AL.*, 518 U. S. 1024. Motion for leave to file petition for rehearing denied.

Assignment Order

An order of THE CHIEF JUSTICE designating and assigning Justice White (retired) to perform judicial duties in the United States Court of Appeals for the Tenth Circuit during the period from November 18 through November 22, 1996, and for such time

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No. 95-1309. DINH TRUONG TRAN ET AL. *v.* THO DINH TRAN. C. A. 2d Cir. Certiorari denied. Reported below: 54 F. 3d 115.

No. 95-1089. PITTSTON CO. ET AL. *v.* BABBITT, SECRETARY OF THE INTERIOR, ET AL. C. A. 4th Cir. Certiorari denied. Reported below: 66 F. 3d 714.

No. 95-1102. FGS CONSTRUCTORS, INC. *v.* UNITED STATES ET AL. C. A. 8th Cir. Certiorari denied. Reported below: 64 F. 3d 1230.

No. 95-1114. BOGGS *v.* BOWRON ET AL. C. A. D. C. Cir. Certiorari denied. Reported below: 67 F. 3d 972.

No. 95-1139. DOSTIE *v.* MAINE. Sup. Jud. Ct. Me. Certiorari denied.

No. 95-1144. DEREWAL *v.* UNITED STATES. C. A. 3d Cir. Certiorari denied. Reported below: 66 F. 3d 52.

No. 95-1229. KNIGHT, DBA STEVE KNIGHT STEEL FABRICATORS, ET AL. *v.* UNITED STATES FIDELITY & GUARANTY INSURANCE CO. C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 3d 34.

No. 95-1245. STEINBERG *v.* BINGHAM, ANCILLARY ADMINISTRATOR OF THE ESTATE OF MARLEY, ET AL.; and

No. 95-1276. ZOLT ET AL. *v.* BINGHAM, ANCILLARY ADMINISTRATOR OF THE ESTATE OF MARLEY, ET AL. C. A. 2d Cir. Certiorari denied. Reported below: 66 F. 3d 553.

No. 95-1248. NEELY, BY AND THROUGH HER PARENTS, NEELY ET UX. *v.* RUTHERFORD COUNTY SCHOOLS. C. A. 6th Cir. Certiorari denied. Reported below: 68 F. 3d 965.

No. 95-1256. DOLENZ *v.* SOUTHWEST MEDIA CORP. ET AL. Ct. App. Tex., 5th Dist. Certiorari denied.

No. 95-1261. GREEN *v.* UNITED PENTECOSTAL CHURCH INTERNATIONAL. Ct. App. Tex., 3d Dist. Certiorari denied. Reported below: 899 S. W. 2d 28.

No. 95-1262. FISHBURNE ET AL. *v.* CINERGI PRODUCTIONS, INC., ET AL. Ct. App. Cal., 2d App. Dist. Certiorari denied.

No. 95-1264. CENTRAL CARTAGE CO. *v.* CENTRAL STATES, SOUTHEAST AND SOUTHWEST AREAS PENSION FUND ET AL. C. A. 7th Cir. Certiorari denied. Reported below: 69 F. 3d 1312.

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No. 95-1545. *SUTTON v. GIBSON ET AL.* C. A. 3d Cir. Certiorari denied. Reported below: 77 F. 3d 464.

No. 95-1550. *WEINBERG v. MANAGEMENT COMPANY ENTERTAINMENT GROUP ET AL.* C. A. 2d Cir. Certiorari denied. Reported below: 71 F. 3d 405.

No. 95-1570. *FRIED v. PENNSYLVANIA.* Super. Ct. Pa. Certiorari denied. Reported below: 436 Pa. Super. 642, 647 A. 2d 262.

No. 95-1577. *CONLEY ET AL. v. EUGENE.* C. A. 5th Cir. Certiorari denied. Reported below: 65 F. 3d 1299.

No. 95-1580. *SMITH ET UX. v. NEW HAMPSHIRE BOARD OF LICENSURE FOR LAND SURVEYORS ET AL.* C. A. 1st Cir. Certiorari denied. Reported below: 70 F. 3d 1253.

No. 95-1597. *SMITH v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 3d 1264.

No. 95-1600. *CENTRA, INC., ET AL. v. CHANDLER INSURANCE CO., LTD., ET AL.* Sup. Ct. Neb. Certiorari denied. Reported below: 248 Neb. 844, 540 N. W. 2d 318.

No. 95-1604. *KLETZELMAN v. CAPISTRANO UNIFIED SCHOOL DISTRICT ET AL.* C. A. 9th Cir. Certiorari denied. Reported below: 70 F. 3d 1279.

No. 95-1606. *BENNETT v. UNITED STATES.* C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 3d 113.

No. 95-1617. *THOMAS v. UNITED STATES.* C. A. 5th Cir. Certiorari denied. Reported below: 77 F. 3d 479.

No. 95-1618. *GOWIN v. DADE COUNTY AUTO TAG OFFICE, DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES.* C. A. 11th Cir. Certiorari denied. Reported below: 55 F. 3d 636.

No. 95-1620. *SHRADER v. NORTH CAROLINA ET AL.* C. A. 4th Cir. Certiorari denied. Reported below: 70 F. 3d 1263.

No. 95-1627. *RAMOS v. UNITED STATES.* C. A. 9th Cir. Certiorari denied. Reported below: 70 F. 3d 1281.

No. 95-1632. *SOARES v. UNITED STATES.* C. A. 2d Cir. Certiorari denied. Reported below: 68 F. 3d 19.

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Forsyth, 472 U. S. 511, 526 (1985). See *Hunter*, *supra*, at 227 (collecting cases).

Because the Court of Appeals did not have the benefit of our decision in *Hunter* when it was deciding this case, I would summarily reverse the judgment and remand the case so the Ninth Circuit may reexamine its decision in light of the correct legal standards.

No. 91-1667. *CENTRA ET AL. v. McDONALD ET AL.* C. A. 4th Cir. Certiorari denied. JUSTICE WHITE would grant certiorari. Reported below: 946 F. 2d 1059.

Rehearing Denied

No. 91-7247. *WILLIAMSON v. OKLAHOMA*, 503 U. S. 973;
No. 91-7648. *ANDERSON v. UNITED STATES*, 503 U. S. 995; and
No. 91-7655. *LLOYD v. UNITED STATES*, 503 U. S. 996. Petitions for rehearing denied.

JUNE 3, 1992

Miscellaneous Order

No. A-913 (91-8475). *GRANVIEL v. TEXAS*. Ct. Crim. App. Tex. Application for stay of execution of sentence of death, presented to JUSTICE SCALIA, and by him referred to the Court, granted pending the disposition by this Court of the petition for writ of certiorari. Should the petition for writ of certiorari be denied, this stay terminates automatically. In the event the petition for writ of certiorari is granted, this stay shall continue pending the issuance of the mandate of this Court.

JUNE 8, 1992

Certiorari Granted—Vacated and Remanded

No. 91-734. *NORTHWEST AIRLINES, INC. v. WEST*. C. A. 9th Cir. Certiorari granted, judgment vacated, and case remanded for further consideration in light of *Morales v. Trans World Airlines, Inc.*, *ante*, p. 374. Reported below: 923 F. 2d 657.

No. 91-6762. *CORLEY v. UNITED STATES*. C. A. 5th Cir. Motion of petitioner for leave to proceed *in forma pauperis* granted. Certiorari granted, judgment vacated, and case remanded for fur-